IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO.34 OF 2006
IN
CRIMINAL APPEAL NO.12 OF 2006

Lahu Govind Shingare. ..Applicant.
Vs.
The State of Maharashtra. ..Respondent.

Mr.Zia-ul-Mustafa & S.H. Khalife for the Applicant.
Mr.A.S.Gadkari, A.P.P. for the State.

CORAM: J.N. PATEL &
R.S. MOHITE, JJ.
DATED :16TH JANUARY,2007.

P.C.

1. Heard.

2. This is an application for suspension of sentence by the applicant who has been convicted for having committed murder of Smt. Shakuntala Rangnath Yede by pouring kerosene and setting her ablaze for not satisfying the demand of Rs.50,000/-.

3. The learned counsel appearing for the applicant submits that the prosecution case is based on two dying declarations which are not consistent and the prosecution has failed to examine the material witnesses. According to the learned counsel for the applicant this is a case of suicide, in which, the

possibility of applicant being falsely implicated by the children of the deceased cannot be ruled out.

4. The learned A.P.P. submits that the applicant was having illicit relationship with the victim which was objected by her children who were grown up. The applicant was in habit of extorting money though the victim was supporting him financially and that on the date of incident the applicant demanded sum of Rs.50,000/-. He further submits that as there was no one in the house and that he got an opportunity and as the victim failed to fulfil his demand, poured kerosene on her person and set her ablaze. This fact is supported by two dying declarations which are consistent.

5. We have gone through the two dying declarations and the statement of witnesses. We do not find that this is a fit case for suspension of sentence, as the victim has clearly implicated the applicant as the author of the burn injuries suffered due to failure to fulfil his demand for the sum of Rs.50,.000/-.Therefore, application is rejected.

(J.N. PATEL, J.)

(R. S. MOHITE, J.)